

## **Sample Grievance Procedure**

All AmeriCorps Members must file complaints in accordance with the following procedures set forth below:

### **A. PRE-COMPLAINT PROCESS:**

In general, all aggrieved parties, such as Members, applicants, or any other interested parties, should attempt to resolve any problems or disputes with the other party on a one to one basis. The issues should be clearly stated and understood by both parties. If this process does not resolve the matter, the aggrieved party may request that the program provide an alternative dispute process such as mediation or facilitation to resolve the dispute. The program and the aggrieved party will jointly select the mediator or facilitator.

Mediation is a candid, confidential, non-binding process. Mediation can be attempted either before or after a written grievance is filed. The Member must select this option within **45 days** of notifying their **[team leader or supervisor]** of their complaint.

If mediation is used and the matter is not resolved within **30 calendar days** from the date the mediation process began, the neutral party mediating the process will notify the aggrieved party of his/her right to file a formal complaint. The neutral party, however, may not participate in the formal complaint process. In addition, no discussions of the pre-complaint process can be referred to or introduced into evidence in the formal complaint process including the arbitration hearing.

### **B. FORMAL COMPLAINT PROCESS**

#### **1. Notification of Grievance**

The Member must first notify his/her **[team leader or immediate supervisor or insert other appropriate person]** to discuss their complaint. The Member must explain the facts of the situation and how they propose to resolve the matter. The **[team leader or the supervisor]** shall inform the Program Director of the situation and the Member's proposed resolution.

**[AT THIS POINT MEDIATION MAY BE ATTEMPTED]**

## 2. Written Grievance:

By law the grievance must be filed **within a year** of the alleged improper order, action, or event, it is however preferred that a grievance be filed **no later than 60 days** after the date of the alleged occurrence.

**[Insert who will handle this process]** has been designated to keep the grievance forms and coordinate the process by keeping the process on schedule. If a particular person, rather than or in addition to the programs, is named in the grievance, the **[designated person]** will notify the accused of the investigation and his or her rights under this policy. He or she will be given an opportunity to gather and present evidence and prepare a response to the grievance.

The aggrieved party can file a written grievance at any time - either before or after attempting mediation. The written complaint must contain a summary of the event and the aggrieved parties position.

The **[team leader or immediate supervisor]** must discuss the matter with the Member and any other appropriate parties and reply in writing to the Member's written complaint within **10 working days** after receiving it.

If the dispute is not mutually resolved or the **[team leader or immediate supervisor]** fails to reply within the 10 working days, the Member may appeal the matter to the **[Program Director, Program Coordinator or any other designated person]** with **5 working days** after receiving his/her supervisor's written decision.

The **[Program Director, etc.]** must meet with the aggrieved party within **5 working days** of receiving the appeal. At this meeting, the **[Program Director, etc.]** will discuss the grievance with the aggrieved party. Within **5 working days** of this meeting, the **[Program Director, etc.]** will render a decision on the grievance and the necessary actions.

If the aggrieved Member is unsatisfied with the decision within **5 working days** of receiving the decision or if the **[Program Director, etc.]** fails to issue a decision within the time limit, the Member may appeal the decision to **[Grievance Committee of the CLASP or other designee]** by notifying them in writing. The appeal should describe the grievance and the steps the Member has already taken to resolve the matter.

**[AT THIS POINT THE INFORMAL HEARING IS HELD]**

### 3. \* Informal Hearing

By law, an aggrieved party who files a timely grievance has a right to a hearing. Unless mediation was attempted, the hearing must be **held within 30 days** and **decided within 60 days** of the written grievance. [Program Name's] hearing official is [Grievance Committee of CLASP etc.]. The [hearing official] will determine what type of information will be necessary to decide the disputed issues during the hearing process and an investigation should be commenced immediately. The hearing must be conducted by a person who has not participated in any previous decisions concerning the issue in dispute.

A written opinion will be prepared by the [hearing official] explaining the ruling and issue the opinion to the aggrieved party, the Program Director and any other individual named in the grievance. [program can add others they would to be issued a copy]. All information and documentation from the hearing must be stored in a secure file for confidentiality purposes.

### 4. \* Binding Arbitration

Unlike mediation, the arbitrator will decide the legitimacy of each position and resolve the matter.

If the hearing official's decision is adverse to the aggrieved party or **60 calendar days** after filing of a grievance no decision has been reached, the filing party may submit the grievance to binding arbitration before a qualified arbitrator. The disputing parties will jointly select the arbitrator. The arbitrator must be independent of the disputing parties.

If the parties cannot agree on an arbitrator within **15 calendar days** after receiving a request from the aggrieved party, the Commission on Improving Life Through Service will appoint an arbitrator from a list of qualified arbitrators.

An arbitration proceeding must be held no later than **45 calendar days** after receiving a request for arbitration. If the arbitrator, however, is selected by the Commission, the proceeding must occur no later than **30 calendar days** after the arbitrator's appointment.

A decision must be made by the arbitrator no later than 30 calendar days after the date the arbitration proceeding begins.

The cost of the arbitration proceeding must be divided evenly between the parties to the arbitration. If, however, the Member prevails in the binding arbitration proceeding, the program must pay the total cost of the proceeding and the prevailing parties' attorney fees.

Remedies for grievances include, but are not limited to, reinstatement of a Member wrongfully suspended or dismissed along with credit for service hours missed and back living allowances.

A law suit to enforce arbitration awards may be brought in any Federal district court having jurisdiction over the parties without regard to the amount in controversy or the parties citizenship.

**\* Mandatory – must give members an opportunity to have an impartial hearing and/or binding arbitration per federal statute.**